

09-04-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

26564-2

First Inventor

Eric L. Boyd

Title

Method And System For Probing A Network

Express Mail Label No.

EJ 210 144 720 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 202311. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.3. ☒ Specification [Total Pages **45**]  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **6**]5. Oath or Declaration [Total Pages **1**]

- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.767. ☒ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☒ Other: Unsigned Declaration and Power of Attorney;  
Transmittal Of Computer Program Appendix

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied  
under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by  
reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

|         |                       |                          |                    |
|---------|-----------------------|--------------------------|--------------------|
| Name    | Douglas A. Mullen     |                          |                    |
|         | Dickinson Wright PLLC |                          |                    |
| Address | 1901 L. Street, NW    |                          |                    |
|         | Suite 800             |                          |                    |
| City    | Washington, D.C.      | State                    | Zip Code 20036     |
| Country | USA                   | Telephone (202) 457-0160 | Fax (202) 659-1559 |

Name (Print/Type) Douglas A. Mullen

Registration No. (Attorney/Agent)

38,569

Signature

*Douglas A. Mullen*

Date

August 31, 2001

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Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number

Filing Date

First Named Inventor

Eric L. Boyd

Examiner Name

Group Art Unit

Attorney Docket No.

26564-2

TOTAL AMOUNT OF PAYMENT

\$355.00

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

04-1061

Deposit  
Account  
Name

Dickinson Wright PLLC

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR §§ 1.16 and 1.17

- ☒
- Applicant claims small entity status.
- 
- See 37 CFR § 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 101          | 710      | 201          | 355      | Utility filing fee     | 355.00   |
| 106          | 320      | 206          | 160      | Design filing fee      |          |
| 107          | 490      | 207          | 245      | Plant filing fee       |          |
| 108          | 710      | 208          | 355      | Reissue filing fee     |          |
| 114          | 150      | 214          | 75       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | \$355.00 |

**2. EXTRA CLAIM FEES**

| Extra Claims       |             | Fee from below | Fee Paid |
|--------------------|-------------|----------------|----------|
| Total Claims       |             |                |          |
| 18                 | -20** = 0   | X              | 0.00     |
| Independent Claims | 3 - 3** = 0 | X              | 0.00     |
| Multiple Dependent |             |                |          |

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                     |          |
| 102          | 80       | 202          | 40       | Independent claims in excess of 3                          |          |
| 104          | 270      | 204          | 135      | Multiple dependent claim, if not paid                      |          |
| 109          | 80       | 209          | 40       | ** Reissue independent claims over original patent         |          |
| 110          | 18       | 210          | 9        | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 105                 | 130      | 205          | 65       | Surcharge - late filing fee or oath  |          |
| 127                 | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139                 | 130      | 139          | 130      | Non - English specification  |          |
| 147                 | 2,520    | 147          | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112                 | 920*     | 112          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113                 | 1,840*   | 113          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115                 | 110      | 215          | 55       | Extension for reply within first month                                     |          |
| 116                 | 390      | 216          | 195      | Extension for reply within second month                                    |          |
| 117                 | 890      | 217          | 445      | Extension for reply within third month                                     |          |
| 118                 | 1,390    | 218          | 695      | Extension for reply within fourth month                                    |          |
| 128                 | 1,890    | 228          | 945      | Extension for reply within fifth month                                     |          |
| 119                 | 310      | 219          | 155      | Notice of Appeal   |          |
| 120                 | 310      | 220          | 155      | Filing a brief in support of an appeal                                     |          |
| 121                 | 270      | 221          | 135      | Request for oral hearing   |          |
| 138                 | 1,510    | 138          | 1,510    | Petition to institute a public use proceeding                              |          |
| 140                 | 110      | 240          | 55       | Petition to revive - unavoidable   |          |
| 141                 | 1,240    | 241          | 620      | Petition to revive - unintentional   |          |
| 142                 | 1,240    | 242          | 620      | Utility issue fee (or reissue)   |          |
| 143                 | 440      | 243          | 220      | Design issue fee   |          |
| 144                 | 600      | 244          | 300      | Plant issue fee  |          |
| 122                 | 130      | 122          | 130      | Petitions to the Commissioner  |          |
| 123                 | 50       | 123          | 50       | Processing fee under 37 CFR § 1.17(q)                                      |          |
| 126                 | 180      | 126          | 180      | Submission of Information Disclosure Statement                             |          |
| 581                 | 40       | 581          | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146                 | 710      | 246          | 355      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149                 | 710      | 249          | 355      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179                 | 710      | 279          | 355      | Request for Continued Examination (RCE)                                    |          |
| 169                 | 900      | 169          | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) |          |              |          |  |          |

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)

Douglas A. Mullen

Registration No.  
(Attorney/Agent)

38,569

Telephone

(202) 457-0160

Signature

Date

August 31, 2001

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eric L. Boyd et al. )  
)  
Group Art Unit: )  
)  
Examiner: )  
)  
Title: Method And System For )  
Probing A Network )  
)  
Attorney Docket: 26564-2 )

TRANSMITTAL OF COMPUTER  
PROGRAM LISTING APPENDIX

Commissioner Of Patents And Trademarks  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §1.96(c), Applicants submit herewith a compact disc containing the "Computer Program Listing Appendix" for the above-identified patent application. An identical, duplicate copy of the compact disc is also being submitted.

The specifications of the compact disc are as follows:

1. Machine Format: IBM PC/XT/AT, or compatibles; and
2. Operating System Compatibility: MS-Windows or Unix.

The following is a list of the files contained on each disc including their names, size in bytes, and dates of creation:

| <u>File Name</u>           | <u>Size (in bytes)</u> | <u>Date of Creation</u> |
|----------------------------|------------------------|-------------------------|
| fez_probester.cgi.c        | 4305                   | August 30, 2001         |
| fez_probester.html         | 15484                  | August 30, 2001         |
| fez_probester_ae.c         | 17133                  | August 30, 2001         |
| fez_probester_ae.h         | 557                    | August 30, 2001         |
| fez_probester_common.h     | 728                    | August 30, 2001         |
| fez_probester_config.c     | 4797                   | August 30, 2001         |
| fez_probester_config.h     | 2002                   | August 30, 2001         |
| fez_probester_de.cgi.c     | 14270                  | August 30, 2001         |
| fez_probester_example.html | 1553                   | August 30, 2001         |
| fez_probester_test_ae.c    | 2444                   | August 30, 2001         |
| fez_probester_time.c       | 2369                   | August 30, 2001         |
| fez_probester_time.h       | 531                    | August 30, 2001         |
| handle_signal.c            | 724                    | August 30, 2001         |
| pbc.c                      | 17543                  | August 30, 2001         |

In re Appln. of Eric L. Boyd et al.

| <u>File Name</u>          | <u>Size (in bytes)</u> | <u>Date of Creation</u> |
|---------------------------|------------------------|-------------------------|
| pbm_multi.c               | 20532                  | August 30, 2001         |
| pbm_multi.h               | 1761                   | August 30, 2001         |
| pbm_util.c                | 29385                  | August 30, 2001         |
| pbm_util.h                | 3621                   | August 30, 2001         |
| probester.c               | 25766                  | August 30, 2001         |
| probester_calculations.c  | 3960                   | August 30, 2001         |
| probester_calculations.h  | 1464                   | August 30, 2001         |
| probester_dae.c           | 26022                  | August 30, 2001         |
| probester_dae.h           | 1254                   | August 30, 2001         |
| probester_dde.pl          | 1818                   | August 30, 2001         |
| probester_dde_gen.cgi*    | 14475                  | August 30, 2001         |
| probester_dde_submit.cgi* | 26139                  | August 30, 2001         |
| probester_util.c          | 16627                  | August 30, 2001         |
| probester_util.h          | 3629                   | August 30, 2001         |
| probesterdb.c             | 10367                  | August 30, 2001         |
| probesterdb.h             | 2601                   | August 30, 2001         |
| string_utilities.c        | 1565                   | August 30, 2001         |
| string_utilities.h        | 449                    | August 30, 2001         |
| time_limit.c              | 1231                   | August 30, 2001         |
| time_limit.h              | 892                    | August 30, 2001         |

Respectfully submitted,

DICKINSON WRIGHT PLLC  
Attorneys for Applicants

Date: August 30, 2001

By: Douglas A. Mullen  
Douglas A. Mullen  
Reg. No. 38,569

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(202) 457-0160

DAM/gmp  
Enclosures

BLOOMFIELD 26564-2 449668